

PROCEEDINGS OF SPECIAL JOINT
BROWN COUNTY PUBLIC SAFETY COMMITTEE
and
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a special joint meeting of the **Brown County Public Safety Committee and Planning, Development & Transportation Committee** was held on May 25, 2021 at Duck Creek Center – Public Works Dept., 2198 Glendale Avenue, Village of Howard.

Public Safety Members Present: Chair Deneys, Supervisor Coenen, Supervisor Lund, Supervisor Kaster, Supervisor Schultz
PD&T Members Present: Chair Landwehr, Supervisor Suennen, Supervisor Chu, Supervisor Dantine, Supervisor Friberg
Also Present: Sheriff Todd Delain, Judge Tammy Jo Hock, Judge Thomas Walsh; Supervisors Brusky, Borchardt, Buckley; news media, and other interested parties

I. Call meeting to order.

The meeting was called to order by Planning, Development & Transportation Committee Chair Dave Landwehr at 5:45 pm.

The meeting was called to order by Public Safety Committee Chair Keith Deneys at 5:45 pm.

II. Approve/Modify Agenda.

Motion made by Supervisor Dantine, seconded by Supervisor Suennen to approve the agenda. Vote taken.
MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Coenen, seconded by Supervisor Schultz to approve the agenda. Vote taken.
MOTION CARRIED UNANIMOUSLY

Comments from the Public - None

Communications

1. Communication from Supervisor Deneys: Explore options regarding the Sheriff's Office Indoor Range. Referred from May County Board.

Sheriff Todd Delain informed the Sheriff's Office has an indoor range in the basement of the District Attorney's Office which dates back to the early 1980s. Monthly shoots and other training are done routinely at the range. Busy months are January through April and September through the end of the year. The circulation system in the range which cleanses lead from the air is currently not operating correctly. Facilities has contacted local HVAC companies to see if anyone could look at it, but there are no local companies who do this type of work. The Sheriff's Office was referred to a company in Illinois that handles cleansing of ranges and that company will come up and give an estimate for \$2,800. It is believed it will cost around \$160,000 to replace the air filtration system. The range is near the end of life and has been on the capital improvement project list for at least three years. The indoor backstop is also near the end of life. All options are being explored, but some decisions will have to be made.

Delain continued that an outdoor range would be preferable, but there are some considerations that go with that. Currently Brown County uses the outdoor range at Sanger Powers, but that range cannot be used after 10:00 pm which creates problems for officers that work the night shift. Delain reiterated that options need to be explored and some decisions will have to be made.

Supervisor Lund asked if there is any type of range facility at the Sheriff's Office or if there is space that a shooting facility could be added. Delain responded that they knew they would need a new range and the price of a new range will vary, depending on where it will be. There is roughly eight acres of property at the current Sheriff's

Office and some of that space could be used to add a training facility. The County has other properties that would work as well. Obviously, the range should be located somewhere that is easily accessible for those who will be using it.

Supervisor Schultz informed that although the current shooting range has served its purpose, the design is very outdated. Other issues with the current range include the noise it makes for the District Attorney's Office upstairs and from an efficiency standpoint, staff is taking time to travel back and forth to the range downtown and it would be more efficient and better use of time to have a shooting facility located at the current Sheriff's Department.

Chair Landwehr asked what options are available other than building a new range in a different location. Delain responded that there are a limited number of agencies that have ranges in Brown County. The GBPDP has a range, but their building is also fairly old and there has been talk about them needing a new building. Their range is still operational and county staff have been able to use it when they can fit it in. De Pere has a two-person range which is really not designed for the training that is currently being done. Another option would be to train at private businesses that have ranges, but there are issues with that too such as flexibility of scheduling. Outdoor ranges would be another option and the Sheriff's Office does utilize them which is good when everything falls into place in terms of scheduling. In-service is scheduled way in advance and is something that everyone has to complete. They often have to work around the schedules of many other law enforcement agencies as well as the schedules of special units such as SWAT teams. Delain also noted there are a lot of things that cannot be controlled at outdoor ranges, such as the weather. The range at NWTC is another option but scheduling is often an issue as they have their own students using the facility. With any of the options, Delain said there is also the issue of storing their equipment. Depending on the training that is being done, there are different weapons being used, and they are not always the same weapons that are used in the squads. Private places would not provide a place to store weapons, ammunition and other training supplies. There is also a cost to using all of these facilities.

Regarding building a range at the Sheriff's Office, Landwehr noted the building quality around that area is very high quality and very retail and office oriented and to add a range at that scale and quality will be a lot more expensive than building somewhere else. He asked Delain what he is looking for on this. Delain responded that his intent would be to put this in front of the County Board so it is clear that a timeline needs to be set. He understands that realistically nothing will happen before three years and if the County Board's position is that they want to do something, he will come up with ways to keep the training up to date until there is a solution. It will ultimately be up to the County Board to determine where this fits into the big picture of Brown County and if the priority for a range is further out than three years, Delain will do a band aid on the current facility.

The range ties into the other communications on this agenda and Delain said it is about bringing these things forward in hopes that a more distinct plan for these facilities can be established. He understands there are a lot of other items in Brown County that need to be addressed, and these items are just some of them. Chair Deneys agreed that all three of the communications on the agenda tie together.

Supervisor Chu asked what the common thread is on these three communications. Deneys responded that the common thread is the capital improvement of the downtown location where the range, courthouse and jail are located.

Motion made by Supervisor Dantine, seconded by Supervisor Schultz to take all three communications together. Vote taken. MOTION CARRIED UNANIMOUSLY

2. Communication from Supervisors Deneys and Brusky: To have the board set a timeline for the establishment of single point security entry of the Brown County Courthouse. *Referred from May County Board.*

Deneys recalled that the establishment of a single point secure entry into the courthouse has been a discussion for a number of years. Last time it came up, the consensus was that it makes sense to establish some sort of single point entry into the courthouse with security monitoring and Deneys thought it was moving forward. Deneys and Supervisor Brusky have been working with Public Works Director Paul Fontecchio, Administration and the Sheriff's Department on developing some options and there was also a study done that brought forth some options. When this was looked at again, three other options were brought forward. The option that was being favored was to put a main entrance in the hallway which joins the courthouse to the DA's office as this would secure not only the courthouse, but also the DA's office. Discussions then came up regarding the downtown jail because the DOC could

come in and say the downtown facility is no longer usable. There were discussions at that point as to what the appropriate utilization of the downtown jail facility is. There were also some high-level discussions regarding securing other departments throughout the county. Instead of spending money on an entry between the courthouse and the DA's office, they were strategizing as to other things that could be done. Then COVID hit which changed so many things. Many county workers from the Northern Building and Sophie Beaumont Building began doing their jobs effectively from home and, in addition, the huber facility in the downtown jail was shut down. It is not known if the huber facility will ever open again because they are effectively running the huber program through electronic monitoring. Deneys continued that in talking with Judge Hock, he has found that things have changed in the courthouse too. As we are coming out of COVID, the discussions regarding entry into the courthouse have come up again and that is why this communication was brought forward. Deneys feels we have to start trying to figure out where we are going to go and what the timeline will be to get this done. He acknowledges that this will take years, but he would like to start moving forward with the planning.

Brusky echoed what Deneys said and recalled that she brought a communication forward two years ago on this. She said the need for a secured entrance at the courthouse is obvious and things were sidetracked with COVID. The recent shooting incident at the Oneida Casino is a reminder that a secured entrance was needed and Brusky added that the courthouse is a hotspot where things happen that are highly emotional and could be a target and she wants to prevent something from happening.

Presiding Judge Tammy Jo Hock informed that one of the safety protocols when COVID hit was to have a single point of entry into the courthouse. She does not know if it was ever clear which option was the most favorable, but the single point of entry being used at this time is the entrance off Walnut Street. Judge Hock noted it has been illustrated to the judges that that would be a complicated place to have a single point entrance because anyone who has a need for handicap accessibility has to hope there is a parking spot on the street or park in a handicap accessible spot on Doty Street and go all the way around. Judge Hock has asked Delain to investigate the possibility of adding some handicap parking spots but that may be cumbersome as well.

Judge Thomas Walsh agreed with everything Judge Hock said and added that he agrees with the comments of the Sheriff that it will likely take three years to get a secure single point entry. He has been working on this issue for more than three years and is concerned that if this takes another three years, something could happen in the meantime. In the State of Wisconsin, of the top 12 most populous counties, Brown County is the only one that does not screen at the door of the courthouse. Counties that are smaller than Brown County screen at the door. Judge Walsh is concerned that if something happens at the courthouse, it will be a liability issue because someone will say Brown County knew the problem existed because other counties were addressing it. He suggested that the screening equipment be purchased now, and then the county continue to work on the other solutions which could take several years. Judge Walsh said that a lot of times when he comes to a committee to talk about this, the conversation focuses on the judges wanting more security, but frankly, if someone wants to get to the judge, they can do that in places other than the courthouse. This is about the people who come to the courthouse for things like jury duty and he noted that he has been asked by jurors why there is no one at the front door of the courthouse screening. This is for people who are subpoenaed into court as a witness, for people who come in for family court and for children who come to the courthouse for tours. Judge Walsh takes what Deneys said very seriously and added that courthouses are unique in their security needs and that is demonstrated by the fact that other counties are doing this. He suggested that beyond the bigger picture of what structures need to be put up and what buildings need to be torn down first, that the equipment be purchased and put into use and then the other issues can be worked out. This will be far cheaper than building a new structure and will be far quicker too.

Sheriff Todd Delain acknowledged this is a complex issue and agrees with everything that has been said thus far. Temporary solutions have been looked at and he feels there are a number of issues with the hallway including space, fire access, entrances and exits as well as access to restrooms and perhaps people having to wait outside to get into the courthouse. Structurally there are problems with trying to put the equipment in the hallway. This would involve people going through a metal detector and screening of bags and he does not want to provide some false sense of security that would be in line with that. It sounds simple to just put a piece of equipment in the hallway, but there is a lot more to it and it is not that easy.

Director of Public Works Paul Fontecchio said the reason they are looking to do something on the exterior of the building is because of the historical nature of the courthouse. The Jefferson Street side of the courthouse is all steps and would not be suitable from an accessibility standpoint. The south entrance would also be a difficult

location for a secure entrance from an accessibility standpoint. The north entrance, as pointed out by Judge Hock, has issues when it comes to the availability of handicap parking. At the Winnebago County Courthouse, which is also on the historical register, instead of doing interior work, they built a vestibule on the outside which is where Brown County got some of their ideas. Fontecchio noted that immediately inside the north entrance of the courthouse there is a men's restroom on the left and another door on the right so the space utilization in that area is very limited and there is no way to build a secure door there. The idea is to limit access to one entrance which means you have to deny exit to all of the other exits, except in the case of a fire. Fontecchio appreciates the urgency of this, especially with the times we are dealing with, and he feels that the sooner a decision is reached and a schedule and budget are put together, the sooner we can get where we need to be.

Supervisor Dantine recalled we already went through all this and that plans had been drawn up in the past. Fontecchio said he does have some conceptual plans and cost estimates. The discussion then got a little bigger and Fontecchio said from his perspective, this is truly a policy budget issue. There are other problems in the county such as the aging downtown jail. There has been talk about repurposing the downtown jail, but he does not feel it is feasible to repurpose the building. There is a lot that needs to be flushed out and we have to start making some decisions.

Supervisor Borchardt feels we should keep moving forward regarding the old jail building. She also asked if there is a way that a ramp could be put on the Jefferson Street side of the courthouse so individuals in wheelchairs can get in and then close off the stairs that go upstairs and have people exit on Jefferson Street. Fontecchio responded that is not feasible. Borchardt asked about having some type of temporary security structure in the building. Deneys responded that part of this is that there needs to be a bigger discussion and part of that would be whether there is a way to set up a temporary secured entrance in some form. He said what he hopes for from tonight's meeting is to establish a working group with two people from Public Safety Committee and two people from Planning, Development & Transportation Committee to move forward and start looking at these issues and come up with best ideas to be brought back. At this point, we do not even know what impact the new pod at the jail will have on the downtown jail. Landwehr agreed that forming a work group would be an appropriate way to move forward.

Supervisor Suennen hears two things that might be of immediate concern. First is the air filtration system at the range and he noted that there is no guarantee there will be a new range facility for at least three years and probably not for five years and asked if something has to be done with the air filtration system in the meantime. Sheriff Delain responded that if there will not be a new shooting facility for at least five years, the county should probably invest the money into the range in the downtown jail to make it usable so the proper training can be done. He does not want to unnecessarily spend \$150,000 - \$160,000, but that seems minimal in comparison to a lawsuit because they are not training. Suennen noted concerns of officers ending up with health problems from using the range. Delain responded that no training will be done in the facility as it currently is; he will have to find alternatives for this. Delain reiterated his position would be that if it is likely five years before a new range is possible, we should fix the current range and use it as long as we can.

Suennen continued that we are in a time of civil disturbances and he agrees with the judges that security of the courthouse should be a major concern. He is a believer that that type of risk needs to be mitigated in some way within a reasonably short period of time. If we buy the equipment, it can always be moved to a new location when something is done, but he feels the responsible thing would be to get some sort of temporary patch job that will do a reasonably good job.

Supervisor Buckley noted we have been talking about these things for a number of years and there are a lot of moving parts. When we first started talking about adding on to the jail, two pods were discussed but there was not an appetite for that. When we look at the moving parts, the downtown jail does have to come down. There will be quite a bit of space available for the courthouse when the downtown jail is torn down. Buckley feels we need to start to put a timeline together and noted that once COVID hit, everything got stale. At this time, he is encouraging that a timeline start to be put together. He would like Fontecchio to investigate any options for temporary structures because it will be a few years before the jail can come down and work can be done on the courthouse. Buckley continued that funding also needs to be considered as the county cannot bond for this and cannot use the sales tax dollars. He would like to start putting a plan together so we are ready to go when we have the ability to do so. Fontecchio said he can look at doing this in two parts, the first being a temporary solution that will not disturb the historical nature of the courthouse and is not structural in nature. It would take mainly manpower, which still costs money. He can then do a long-term buildout plan. Buckley also encouraged both committees to

start thinking about what to do with the space the downtown jail is currently on - whether it is adding another courtroom or a holding cell or a sally port or underground parking. Those plans have to be started as well. Buckley feels we can probably come up with the money to start getting some drawings put together. Fontecchio noted that when he was authorized to look at this, about \$160,000 was budgeted for the design and the lions share of that money is still left, so there is still some seed money available.

Relative to the working group Deneys suggested, Schultz feels it needs to be done on a two-prong approach, one of which needs to be short-term and he noted that these issues were being discussed before he retired from the Sheriff's Department six years ago. He recommends a secured entrance on the south side of the courthouse because there is a ramp there and handicap parking as well as the court security offices on either side of the entrance. This would be a good short-term plan and he feels it needs to be seriously looked at, even though it is not convenient or pretty.

Supervisor Kaster noted that several years ago we looked at adding something off the north end of the courthouse that would be permanent, and the cost was estimated to be around \$2 million dollars for that. He feels something needs to be looked at for a piece on the outside of the building since there is not enough room inside the building.

Suennen informed the federal government just granted a lot of money out under the COVID Relief Act and said the county's share should be significant. He questioned if some of that money could be allocated towards the replacement of the detention center downtown. Fontecchio said from what he has seen, the federal government money is to be used for water, sanitary sewer and fiber optics. He has not seen guidance where this would fit into that. Suennen said there is a general recommendation and a no-no list, but the no-no list is very small. It is much broader than it appears and Suennen feels the ventilation of the range would qualify.

Supervisor Coenen would like to see the ideal building structure from staff perspective if the jail were to be taken down. From there we can decide what we are going to do and how to do it. She would like to see the entire picture of what is wanted for the space of the courthouse and jail and how to make it happen and then figure out a timeline. Fontecchio responded that the work group idea has some merit for this. There has to be a vision and a budget for every project. Coenen would like to see the Cadillac option and then determine what is possible and what is not from a monetary standpoint as well as from the historical aspect.

Lund said the Facilities Masterplan Subcommittee has not met for years, but we could put that back together. They could meet a few times and then have a meeting with the full Board without a bunch of other stuff on the agenda to find out what the consensus of the Board is and what they want to go ahead and do. He feels there are a lot more things than the three things we are talking about tonight that need to be done. We also have to talk to Administration as to how to finance things since the county cannot bond. Lund feels we need to look at what actually needs to be done and in what order and how to finance.

Chu suggested a decision-making matrix that identifies risks to public safety and employee safety and how to balance that. If the work group is the place to develop something like that, it sounds great. She would like to see input from Administration and Risk Management as well as those who are impacted by these languishing capital projects. Chu asked if the courthouse is completely tethered to what is done with the old jail or if it could be worked on separately. Deneys feels it can be bifurcated and that is something a work group could look at.

Delain noted the price tag on these projects will continue to go up and that very valid points have been brought forward over and over again. At some point a decision has to be made. He is very conscious of taxpayer dollars and balancing that with the safety and security of those that use the courthouse. He is grateful for today's discussion and feels we are heading in the right direction. Delain wants the same thing the Board wants – to best serve and keep the community safe while balancing that with everything else and he will help in any way he can.

Deneys pointed out that the courthouse is currently operating with only one entrance due to COVID and he feels the Sheriff's Department should maintain that at this point because people are used to it now. If the intent of the county is to eventually end up with a secure single point of entry to the courthouse, the courthouse should be maintained with the single point entry going forward.

See action at Item 3 below.

3. **Communication from Supervisors Deneys and Brusky: To have the board begin discussion for the replacement, upgrade or removal of the downtown jail. *Referred from May County Board.***

Discussion regarding this Item is incorporated above.

Motion made by Supervisor Landwehr, seconded by Supervisor Suennen that Public Safety Committee and Planning, Development & Transportation Committee each choose two committee members to work with staff to develop short-term and long-term solutions to issues related to courthouse security, Sheriff's Office range and the downtown jail. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Deneys, seconded by Supervisor Schultz to recommend to the Sheriff to maintain a single point of entry to the courthouse until a long-term solution is obtained. Vote taken. MOTION CARRIED UNANIMOUSLY

Other

4. **Such other matters as authorized by law. None.**

5. **Adjourn.**

Motion made by Supervisor Lund, seconded by Supervisor Kaster to adjourn Public Safety Committee meeting at 7:06 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Suennen, seconded by Supervisor Chu to adjourn Planning, Development & Transportation Committee meeting at 7:06 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Legislative Specialist